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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/040,321      | 01/02/2002  | Philip Shi-lung Yu   | YOR920010585US1     | 3040             |

28062 7590 04/23/2003

BUCKLEY, MASCHOFF, TALWALKAR, & ALLISON  
5 ELM STREET  
NEW CANAAN, CT 06840

EXAMINER

NGUYEN, TAN QUANG

ART UNIT PAPER NUMBER

3661

DATE MAILED: 04/23/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/040,321

Applicant(s)

YU ET AL.

Examiner

TAN Q NGUYEN

Art Unit

3661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 02 January 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-60 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-60 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.



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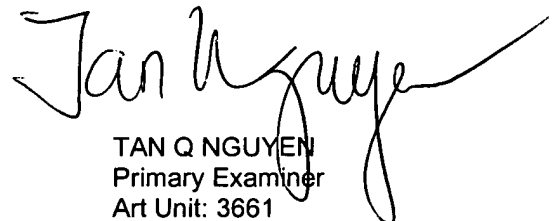
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**Commissioner of Patents and Trademarks**

  
TAN Q NGUYEN  
Primary Examiner  
Art Unit: 3661

**DETAIL ACTION**

***Notice to Applicant(s)***

1. This application has been examined. Claims 1-60 are pending.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 1-60 are rejected under 35 U.S.C. § 102(e) as being anticipated by Horita et al. (Pub. No. 2002/0027511).

4. As per claims 1-3, Horita et al. disclose the invention as claimed which includes the steps of determining vehicle control information such as traffic regulation (see at least column 4, paragraph 0096) which depends on at least the time of the day (see at least figure 7, column 5, paragraph 0099 and column 6, paragraph 0112), and transmitting the vehicle control information to a vehicle device (see at least figures 18 and 27).
5. As per claims 4 and 5, Horita et al. disclose that the vehicle control information is dependent on operator information as shown in at least column 6, paragraphs 0105 and 0106.
6. As per claim 6, Horita et al. disclose that the vehicle control information is dependent on vehicle information, which is associated with at least overall height of the vehicle (see at least column 6, paragraph 0107).
7. As per claims 7-10, Horita et al. disclose that the transmitting is performed at least based on the position of the vehicle and based on the request received from the vehicle device (see at least figures 20, 21, 26 and column 6, paragraph 0106).
8. As per claim 1, Horita et al. disclose that the vehicle control information includes a plurality of vehicle control values and associated rules (see at least figure 18 and the related text).
9. As per claim 12, Horita et al. disclose that the vehicle control information is transmitted to plurality of drivers (see at least column 1, paragraph 0018).
10. As per claim 13, Horita et al. also disclose that system includes the two way communication between the driver and the base station (see paragraphs 0097 and 0100).
11. As per claim 14, Horita et al. disclose the step of receiving the vehicle control information from a central controller (see figures 1 and 31).

12. As per claim 15, Horita et al. also disclose the step of transmitting location information associated with the vehicle control information (see at least figure 1 and the related text).

13. As per claim 16, Horita et al. further disclose that the transmitting is performed via at least wireless communication device (see at least figure 1).

14. As per claim 17, Horita et al. disclose that the system includes the step of storing the vehicle control information (see at least figure 21, item 41200).

15. As per claims 19 and 20, Horita et al. do disclose a storage device for storing instructions adapted to be executed by the computer (see at least paragraph 0099, figures 18, 23 and the related text).

16. As per claim 22, a back-up power source is well known in the art and it is inherently existed in the information controller in order to prevent losing information in case of the losing of the main power.

17. With respect to claims 18, 21 and 23-60, the limitations of these claims have been noted in the rejections above and in the Horita et al. reference. They are therefore considered rejected as set forth above

### ***Conclusion***

18. All claims are rejected.

19. The following references are cited as being of general interest: Conway et al. (5,214,793), Grebe et al. (5,973,616), Urano (5,990,898), Thakker (6,246,948), Lemelson et al. (6,317,058), Berstis et al. (6,442,473), Awada (6,515,596), Pierowicz et al. (6,516,273) and Fuchs (DE 4142091).

20. Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Tan Nguyen, whose telephone number is

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(703) 305-9755. The examiner can normally be reached on Monday-Thursday from 5:30 AM-4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Cuchlinski, can be reached on (703) 308-3873.

Any response to this action should be mailed to:

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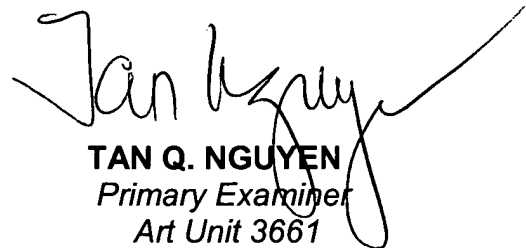
or faxed to:

(703) 305-7687, (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park V, 2451 Crystal Drive, Arlington, VA., Seventh Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-1113.

/tqn  
April 18, 2003

  
**TAN Q. NGUYEN**  
Primary Examiner  
Art Unit 3661